AO 91 (Rev. 11/11) Criminal Complaint

FILED
At Albuquerque NM
OCT 5 2016
MATTHEW J. DYKMAN
CLERK

# UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America
v.
Peter Calvert-Cata
DOB: xx-xx-1996
SSN: xxx-xx-2237

Defendant(s)

Case No. 16-MJ-3705

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 08/13/2016 in the county of Rio Arriba in the State and District of New Mexico, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. 1153	Offenses committed within Indian Country
18 U.S.C. 2241	Aggravated sexual abuse

This criminal complaint is based on these facts:

See attached affidavit.

☑ Continued on the attached sheet.

SA Michael Marycz
Complainant's signature

Michael Marycz, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/05/2016

Steven Yarbrough
Judge's signature

City and state: Albuquerque, New Mexico

Steven Yarbrough, United States Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)
)
VS.)
)
Peter Calvert-Cata)
DOB: xx/xx/1996)
SSN: xxx-xx-2237)

AFFIDAVIT

I, Michael Marycz, being duly sworn, depose and say as follows:

1. I am a Special Agent of the Federal Bureau of Investigation currently assigned to the Santa Fe Resident Agency of the Albuquerque Division. I have been so employed since 2012 and am authorized to investigate violations of Federal Criminal Law, including Title 18 U.S.C. 5031 et. seq., 1153(a), and 2241(a). The information set forth in this Affidavit has been derived from my own investigation or communicated to me by other sworn law enforcement officers or from other reliable sources.
2. On Saturday, August 13, 2016, three individuals were socializing at the home of Garion T. [hereafter Garion], a 17 year old juvenile male. Garion's residence, 290 Sage Lane, Ohkay Owingeh, New Mexico 87566, is located on Ohkay Owingeh Pueblo. Also present were Peter Calvert-Cata [hereafter Calvert-Cata], a 20 year old adult male, and Jane Doe [hereafter Doe], a 17 year old juvenile female. All three individuals consumed alcohol and smoked marijuana. According to Doe, she became intoxicated and wanted to take a shower before going home to avoid getting in trouble with her mother.
3. According to Doe, she faded in and out of consciousness while in the shower. Garion repeatedly asked Doe if she was okay before she heard the door open and Garion and Calvert-Cata enter the bathroom. The two males then took her out of the shower and placed her on the floor. She was unable to walk, talk, or get off of the floor; she then

felt hands all over her body. Garion left the bathroom, leaving Calvert-Cata and Doe alone. Calvert-Cata turned Doe onto her back and penetrated her vagina with his penis. He then turned her over and Doe felt "so much pain up my butt, felt so much pain I had never felt." Doe moaned and attempted to scream, but Calvert-Cata put his hands over her mouth so no one could hear her voice. When he was finished, Calvert-Cata left the bathroom and Garion came in. As Garion penetrated her vagina with his penis, Doe blacked out. She was unable to remember if Garion also penetrated her anus.

4. According to Garion, Calvert-Cata came into the bathroom while he and Doe were having consensual sex and asked him to engage in a threesome. Garion stopped having sex with Doe and moved out of the way. Calvert-Cata removed his clothes and began touching Doe. He digitally penetrated her vagina, and groped her breasts and buttocks, all while rubbing his penis in an attempt to get an erection. Garion changed his mind about having a threesome and told Calvert-Cata to leave the bathroom.
5. According to Garion, he and Doe resumed having sex and when he finished, he went to his bedroom and laid down. Doe remained in the bathroom, sitting on the toilet, with only a t-shirt on. Calvert-Cata went into Garion's bedroom and told him, "I'm gonna try to fuck [Doe] too." Calvert-Cata took one of Garion's condoms and left the bedroom. Garion heard a thumping sound and a loud crash come from the bathroom. Garion went back to the bathroom a short time later and found shower racks on the floor and Doe sitting on the toilet with her t-shirt removed.
6. Doe consented to a SANE exam, which was conducted on August 17, 2016. The following items were noted in the SANE report:
   a. Injuries to the Labia Minora, including an area of abrasion; tender to touch and pain; acute bleeding during the exam. Doe reported vaginal bleeding in the days prior to the exam.
   b. Injuries to the anal area, including a significant linear tear, smaller tears, bruising, acute bleeding during the exam, and pain and tenderness. Doe reported diarrhea, constipation and history of anal bleeding in the days prior to the exam. She also reported that she did not have any anal pain, diarrhea, or constipation before 08/13/2016. The SANE nurse noted that the anal exam was indicative of penetration and forced area of injury.
   c. Bruising was found on both sides of the buttocks, as well as possible bruising on the left shin, the right hip and upper thigh, left hip and upper thigh, and a large irregular blue-black bruise on the lateral left knee.
7. A female witness was interviewed and stated that she was present at Garion's residence during the sexual assault. Initially, she did not know that there was another female in the residence because she arrived after Doe had already entered the bathroom. Garion

was "acting weird" when she arrived and neither he nor Calvert-Cata would tell her who was in the bathroom. The witness ultimately learned from one of Garion's younger nephews that Doe was in the bathroom. Garion and Calvert-Cata then told the witness that they were taking care of Doe because she had fallen in the shower. The female witness asked Garion and Calvert-Cata to let her in so she could help take care of Doe, but they refused to let her enter. She urged them multiple times to let her in, but they denied her access throughout the assault. Afterwards, Garion admitted to the witness that he had sex with Doe and that Calvert-Cata attempted to have sex with Doe.

8. According to Calvert-Cata, he has only met Doe on 2-3 occasions and has never been at Garion's residence at the same time that Doe was present. He stated that he has never had sex with Doe or attempted to have sex with Doe.
9. In addition to Doe, three other individuals stated that Calvert-Cata was at Garion's residence during this incident.
10. Based on the information set forth in this affidavit, Affiant submits that there is probable cause to believe that Peter Calvert-Cata did knowingly and unlawfully sexually assault Jane Doe, in violation of Title 18 U.S.C. 5031 et. seq., 1153(a), and 2241(a), Offenses committed within Indian country, and Aggravated sexual abuse.

I swear that this information is true and correct to the best of my knowledge.

SA [signature]

MICHAEL MARYCZ
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 5th day of October, 2014.

[signature]

UNITED STATES MAGISTRATE JUDGE
Albuquerque, New Mexico